

Message Text

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ORIGIN FAA-00

INFO OCT-01 ARA-10 ISO-00 EB-07 DOTE-00 L-03 CPR-01 /022 R

DRAFTED BY FAA/AIA-230:DMOORE:PMA

APPROVED BY EB/OA/AVP:AJWHITE

EB/OA/AVP:JSRAVATT

ARA/NC:TWSONANDRES (INFO)

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P 072344Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY CARACAS PRIORITY

UNCLAS STATE 297850

FOR CIVAIR (HANS MUELLER)

E.O. 11652: N/A

TAGS: EAIR, VE

SUBJECT: FAA TECHNICAL ASSISTANCE

REF: CARACAS 13359

1. FAA HAS COMPLETED A DETAILED REVIEW OF OFFICIALLY TRANSLATED TEXT OF GOV PROPOSED MEMORANDUM OF AGREEMENT NAT-I-531. WHILE GOV VERSION SOMEWHAT DIFFERENT IN FORMAT AND WORDING FROM THAT WHICH FAA PROPOSED AND ORIGINALLY ACCEPTED BY GOV, FAA WILLING ACCEPT GOV TEXT SUBJECT TO FOLLOWING EXCEPTIONS:

(A) FIRST SENTENCE IN ARTICLE VI SHOULD BE AMENDED TO READ: QUOTE. THE MINISTRY AGREES TO REQUEST AND ASSURE THAT FAA PERSONNEL COMING TO VENEZUELA IN IMPLEMENTATION OF THIS AGREEMENT BE GRANTED THE FOLLOWING PRIVILEGES AND IMMUNITIES. END QUOTE.

(B) ARTICLE VII CHANGED IN ITS ENTIRETY TO READ: QUOTE. THE DGATT, ON BEHALF OF THE REPUBLIC OF VENEZUELA, AGREES TO DEFEND ANY SUIT BROUGHT AGAINST THE U.S.A., THE FAA, UNCLASSIFIED

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OR ANY INSTRUMENTALITY OR OFFICER OF THE U.S.A. ARISING

OUT OF WORK UNDER THIS AGREEMENT. THE DGATT, ON BEHALF OF THE REPUBLIC OF VENEZUELA, FURTHER AGREES TO HOLD THE

U.S.A, THE FAA, OR ANY INSTRUMENTALITY OR OFFICER OF THE U.S.A. HARMLESS AGAINST ANY CLAIM BY THE REPUBLIC OF VENEZUELA, OR ANY AGENCY THEREOF, OR THIRD PERSONS FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE ARISING OUT OF WORK UNDER THIS AGREEMENT. THIS ARTICLE SHALL NOT BE CONSTRUED TO IMMUNIZE ANY FAA PERSONNEL ASSIGNED UNDER THIS AGREEMENT FROM THE PURVIEW OF THE CRIMINAL LAWS OF THE REPUBLIC OF VENEZUELA; PROVIDED, THAT ALL SUCH PERSONNEL SHALL BE ACCORDED THE RIGHTS, PROTECTION, AND IMMUNITIES SET FORTH IN ARTICLES V, VI, AND VII OF THIS AGREEMENT.

THIS EMBODIES STANDARDIZED PHRASEOLOGY WHICH FAA, AT REQUEST OF DEPT, ENDEAVORS INCORPORATE IN ALL ITS TECHNICAL ASSISTANCE AGREEMENTS. FURTHER, SUCH CLAUSE PREVIOUSLY ACCEPTED BY GOV AUTHORITIES IN MOA WO-I-060. EMBASSY REQUESTED DISCUSS AFOREMENTIONED WITH APPROPRIATE GOV OFFICIALS AND ADVISE FAA OF REACTION AS SOON AS POSSIBLE.

2. ARTICLE IV, ANNEX A, OF PROPOSED AGREEMENT PROVIDES GOV WITH OPTION OF MAKING INITIAL ADVANCE PAYMENT FOR TOTAL AMOUNT OF TWO SEPARATE PAYMENTS, ONE WITHIN THIRTY DAYS FROM SEPTEMBER 19, 1976, AND ANOTHER WITHIN SIXTY DAYS FROM SAME DATE. BECAUSE SIXTY DAY PERIOD HAS ALREADY LAPSED, FAA REQUESTS THAT GOV RENDER ITS INITIAL PAYMENT FOR 314,000 DOLLARS AS SOON AS POSSIBLE. FROM THAT AMOUNT FAA WILL PAY FOR TDY SERVICES PRESENTLY BEING PROVIDED AND USE REMAINDER FOR PAYMENT OF MOBILIZATION COSTS FOR PERMANENT GROUP, SUBSEQUENT TO EXECUTION OF AGREEMENT AND RELATED ANNEX A. WOULD APPRECIATE EMBASSY ALSO DISCUSSING THIS MATTER WITH APPROPRIATE GOV OFFICIALS AND ASCERTAINING WHEN PAYMENT CAN BE EXPECTED. ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, TEXT, CITIZEN PROTECTION, TECHNICAL ASSISTANCE CONTRACTS, AMENDMENTS, PERSONNEL ASSIGNMENTS, BALANCE OF PAYMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE297850
Document Source: CORE
Document Unique ID: 00
Drafter: 230:DMOORE:PMA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760452-1201
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761264/aaaacdqo.tel
Line Count: 97
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN FAA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 CARACAS 13359
Review Action: RELEASED, APPROVED
Review Authority: wolfsd
Review Comment: n/a
Review Content Flags:
Review Date: 01 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 JUN 2004 by hattaycs>; APPROVED <06 AUG 2004 by wolfsd>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FAA TECHNICAL ASSISTANCE
TAGS: EAIR, VE, US, FAA
To: CARACAS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006